STATE OF CONNECTICUT

DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION

Division of Statewide Emergency Telecommunications

VIA ECFS

December 12, 2012
Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
TW-A325
Washington D.C. 20554

Re: **Public Safety and Homeland Security Bureau Seeks Comment on the Legal and Statutory Framework for Next Generation 9-1-1 Services Pursuant to the Next Generation 9-1-1 Advancement Act of 2012 [PS Docket No. 10-255, PS Docket No. 11-153, PS Docket No. 12-333]**

Dear Ms. Dortch:

Enclosed for filing in the above referenced Public Notice are comments of the Connecticut Department of Emergency Services and Public Protection, Division of State-wide Emergency Telecommunications.

Should you have any questions concerning this filing, please do not hesitate to contact me via email at Stephen.verbil@ct.gov.

Respectfully submitted,

Stephen Verbil
Emergency Telecommunications Manager
Connecticut Department of Emergency Services and Public Protection

Enclosure

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
Public Safety and Homeland Security Bureau	)	**PS Docket No. 10-255**
Seeks Comment on the Legal and Statutory	)	
Framework for next Generation 9-1-1 Services	)	**PS Docket No. 11-153**
Pursuant to the Next Generation 9-1-1	)	
Advancement Act of 2012	)	**PS Docket No. 12-333**

PUBLIC NOTICE

COMMENTS OF
THE DIVISION OF STATEWIDE EMERGENCY TELECOMMUNICATIONS,
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION,
STATE OF CONNECTICUT

The Division of Statewide Emergency Telecommunications (DSET) of Connecticut's Department of Emergency Services and Public Protection (DESPP) herewith submits its comments regarding the Commission's NOI on the Legal and Statutory Framework for Next-Generation 9-1-1 Services.

DSET provides E9-1-1 services for all PSAPs in the State of Connecticut. Utilizing one system and one contract, Connecticut was one of the first states in the nation to provide enhanced 9-1-1 services statewide for both landline and wireless telephony, one of the first to initiate Phase 2 wireless service statewide, and has completed the construction of its statewide fiber optic Public Safety Data Network (Connecticut's ESINet) for use by our Next-Generation 9-1-1 system which is currently in the state's procurement process.

The comments submitted below are based upon our office's experience with the provisioning of 9-1-1 services since the inception of enhanced 9-1-1 in Connecticut 25 years ago.

I. Legal and Regulatory Framework for the Development of NG9-1-1 Services and the Transition from Legacy 9-1-1 Networks to NG9-1-1

- Should Congress create requirements or incentives for states to establish NG9-1-1 oversight bodies at the state or regional level?

  [1a] Yes. 9-1-1 is a national resource, and citizens expect that it will work – and work well, wherever there is phone service. Unlike "legacy" 9-1-1, NG9-1-1 requires interoperation to fulfill its potential, and such interoperation requires planning and oversight at a state or regional level.

- Should each state or region designate an organization to be responsible for planning, coordinating, and implementing the NG9-1-1 system in that particular state or region?

  [1b] Yes. States should be responsible for these functions. States may decide to devolve some of these responsibilities to regional authorities, where such a distribution of responsibility makes sense.

- Should state or regional oversight bodies have control over the funding of NG9-1-1 services?

  [1c] Yes. This is already the case in many states, and such control is required by statute in our state (Connecticut).

- Would the formation of state or regional oversight bodies better ensure adherence to a standardized architecture that facilitates greater levels of functionality?

  [1d] Yes, without a doubt. Our experience with grant guidance in the public safety radio field, for example, has shown that oversight from the State level results in commonality of user protocols and equipment capabilities, and increased functionality for all users.

- Would state or regional oversight bodies enable PSAPs to procure equipment and software at lower costs?

  [1e] It's not certain that it would reduce equipment costs, but it's likely. Common purchasing requirements across a state will create a commonality of equipment. Cooperation, backup and interconnection between PSAPs should be easier to achieve and more reliable.

- To the extent that the federal government is involved in NG9-1-1 oversight, what role should specific federal agencies play, including the Commission, NHTSA, NTIA, and DHS?

  [1f] The FCC should continue its role in setting the national policy for 9-1-1 and the transition to NG911; including regulatory oversight as necessary to eliminate barriers to NG9-1-1 and enable universal NG9-1-1 service. Just as important is the federal role in ensuring compatibility between the states, so that cross-border interoperability will be relatively simple and inexpensive to enable.

  NHTSA should continue its role of coordination and grant oversight though its National 911 Program, and should enhance the Program in order to allow it to participate more fully in technology working groups, forums and meetings related to the technology and the roll-out of NG911, including grant

coordination and administration related to construction of ESINets and NG911 networks. We believe that the program office can serve as the point of outreach from the federal government to the states for matters of 9-1-1, leaving policy setting and enforcement to the FCC.

NG9-1-1 will be a challenging implementation for federal public safety practitioners. NTIA has a role here in assuring the compatibility and coordination required between federal public safety entities and the various state, regional and local implementations of NG9-1-1. This is particularly important in the near future, as a Department of Defense initiative is creating brand new 9-1-1 PSAPs for federal facilities just as NG9-1-1 will be rolled out.

- Should a single federal entity be established or designated to oversee the transition to NG9-1-1, and/or to ensure compliance with required standards, coordination, implementation, and policies?

  [1g] Yes, and as stated above, an entity already exists which could fill this role – the National 911 Program office, if it is provided with sufficient additional resources.

- Should a specific federal agency or agencies be responsible for establishing national policy to ensure consistent regulation of NG9-1-1?

  [1h] Yes. As stated above, the FCC should act in this role.

- Should a specific federal agency or agencies be responsible for enabling and initiating the development and deployment of shared state-wide Emergency Services IP Networks (ESInets) and related cooperative working agreements between federal, state, tribal, and local agencies?

  [1i] Yes. As stated above, NHTSA's National 911 Program Office – properly augmented – should act in this role.

- What functions and responsibilities should be performed at the federal, regional, state, Tribal, and local levels in the implementation, transition to, and ongoing operation of NG9-1-1 in areas including networks, NG9-1-1 functional elements, databases, system operation, and PSAP operation?

  [1j] We believe that implementation of NG911 (including the network elements, databases and system operation) is a state or regional function, and that it would be unrealistic to expect a unified, interoperable national system if implementation and transition were handled at the municipal level. For those parts of the country where strong regional entities take a leadership role, state oversight will nevertheless still be required in order to ensure that cross-regional call transfer and call handling occurs and is seamless. The State of Texas is an illustrative example of a statewide ESINet that will provide connectivity between multiple, regional ESINets.

  Operation of the PSAP itself will remain a regional or local responsibility.

- What statutory or regulatory changes, if any, would be necessary for the Commission, other federal agencies, states, Tribes, or localities to facilitate and oversee NG9-1-1?

  [1k] The current regulatory scheme for 9-1-1 is fragmented; it differs greatly from state to state. Each state's method of organizing, financing and regulating 9-1-1 has evolved organically, over time, and reflects the previous predominant position of the incumbent wire line providers who developed and rolled out the existing basic and enhanced 9-1-1 systems in use today in the United States. Many (if not most) states will require legislation to be passed, or regulations to be changed, which will alter the assumption currently baked into the regulatory landscape which assumes a central position for the incumbent LEC in the provision of 9-1-1 services. The FCC should assert its authority in this area by adopting regulations which specify the minimum standards for NG911 services, including NG911 interoperability across state lines.

- What is the feasibility of deploying a national NG9-1-1 infrastructure that would allow PSAPs to connect to a nationwide ESInet, prior to the deployment of statewide or regional ESInets? Should Congress take action to promote the development of such a national NG9-1-1 infrastructure?

  [1l] Deployment of a national NG911 infrastructure prior to the development of statewide (or regional) ESInets is inadvisable and unlikely to occur. Notwithstanding the obvious argument to be made against a proposal to spend money and effort to build an interconnection for that which doesn't yet

exist, it's sufficient to note that the federal initiative – and there should be one – will benefit from waiting for the installation of statewide ESInets to occur and stabilize. The federal ESInet can then pick and choose likely successful targets for interconnection, and gain the clear benefits for procurement and deployment of not being first out of the block on a project. Examples of likely candidates for success in such a project would be metropolitan areas that cross state lines and have a history of cooperation, such as Portland, OR and Vancouver, WA; and Kansas City, MO and Kansas City, KS.

- Does existing law provide the Commission with authority to provide adequate liability protection to NG9-1-1 providers, including carriers, vendors, and PSAPs?

  [1m] In Connecticut, the legislature has extended immunity from liability to telephone companies and VoIP providers providing 9-1-1 ALI services, but not for other acts or omissions. We do not agree that the lack of such provisions has hindered the development of NG911; nor do we believe that immunity from liability for the acts or omissions of a PSAP for what is arguably the core aspect of "what PSAPs do" is necessary or even advisable. We understand that immunity should attach for consequences arising from telephone companies' and CMRS providers' compliance with FCC NG911 requirements, but we believe that should define the extent of such immunity.

- Should Congress take steps to further encourage or require states to extend liability protection to 9-1-1 and NG9-1-1 services?

  [1n] No.

- Should Congress provide direct liability protection for NG9-1-1 services at the federal level?

  [1o] With regard to any federal contract, for example, a national ESINet connecting the states, the presumption would be that the federal government's sovereign immunity would apply to itself, and it would be a procurement decision during contract negotiations whether or not the government would extend such immunity to their chosen vendor, and to what degree.

  Insofar as such protection would be offered to the states, that would be an 11th Amendment question and presumably is unnecessary, since the states arguably already have such immunity. Regarding offering such direct liability protection to vendors of NG911 services or equipment, this is a decision

properly left to the individual states in their contract negotiations with the NG911 providers.

- Should Congress authorize or require 9-1-1 fee contributions by all service providers and not just those providing network access?

  [1p] Yes. While we believe that the best and most equitable place for payment for 9-1-1 services to be made is at the level of the user who benefits from the services provided, arguably this is achievable only in the traditional subscriber model – wire line services or post-paid wireless services. Internet access to NG911 clouds the issue as the access costs for the individual subscriber may be impossible to allocate. Therefore, a method of assessing all service providers should be considered so that users who access the internet at no charge – through wireless "hot spots", for example, will be able to call 9-1-1 and 9-1-1 will not be starved of funds as the abandonment of wire lines continues in this country.

  However, the issue of disproportionate funding burdens requires additional scrutiny. Wireless 9-1-1 calls are arguably more expensive to service than wire line calls, for example. The technology required to process a wireless 9-1-1 call, and the time needed to service it, are more than that required for wire line calls – simply because the static files used for wire line work very well and are cheap to deploy, and the location delivered is very reliable (MLTS notwithstanding) compared to the technology needed to identify wireless location in the field and display it on active maps, and query callers who are not sure of their location.

- For example, when a VoIP application or other IP-enabled service is operating over a commercial wireless network, should the VoIP or IP-enabled service provider contribute to the 9-1-1 fund?

  [1q] As stated above, yes.

II. **Legal Mechanisms for Ensuring Efficient and Accurate Transmission of 9-1-1 Caller Information to Emergency Response Agencies**

- Should Congress enact legislation to require or incentivize the development of technologies that provide more accurate and efficient transmission of 9-1-1 caller information in an NG9-1-1 environment?

  [2a] Yes. The technology as it exists today does not always provide accurate delivery of location information <u>even in the case of some wire line calls</u> – notable, multi-line telephone systems (MLTS). The gradual conversion we

are seeing today to IP telephone is exacerbating the problem. The replacement of wire line telephony by wireless devices for many of our citizens has underlined the need for accurate location inside of buildings, including "z" axis information.

- Should Congress authorize the Commission or another federal agency to measure accuracy and efficiency of 9-1-1 caller information in an NG9-1-1 environment?

  [2b] Yes. While states can (and will) perform and participate in testing, the accuracy requirement will continue to be a federally-set requirement, and the FCC, with the assistance of the (properly-augmented) National 9-1-1 Program Office as well as the National Institute for Standards and Technology (NIST) should provide a regular program of evaluation and testing to ensure that the carriers are meeting the FCC requirements.

- Are there other mechanisms that would improve data collection in an NG9-1-1 environment? For example, should the Commission collect additional data about NG9-1-1 capabilities in its PSAP database that the Public Safety and Homeland Security Bureau maintains?

  [2c] Additional data fields specific to NG911 will be useful for determining readiness and compliance. For those items that are in the public domain (are not protected data), providing access to the 9-1-1 user community is critical to the success of the data collection effort. PSAPs are more willing to share and correct data if they are able to see and utilize the national results of such data collection.

III. Recommendations for Removing Jurisdictional Barriers and Inconsistent Legacy Regulations

A. *Removal of State Regulatory Roadblocks to NG9-1-1 Services Development*

- In the legacy 9-1-1 system, incumbent local exchange carriers are typically the primary 9-1-1 System Service Provider (SSPs). However, in an NG9-1-1 environment, there are likely to be multiple SSPs offering a variety of service capabilities and options. Are there existing state approval processes and certification requirements for SSPs that are outdated or overly burdensome?

  [3a] Yes. It would be incorrect to characterize these existing requirements as "overly burdensome." It is more accurate to say that they are not applicable in an NG911 environment.

Should Congress enact legislation to encourage or require states to update or streamline their SSP certification processes to facilitate certification of NG9-1-1 SSPs?

[3b] Yes.

- Should Congress facilitate the authorization by states of public safety entities to act directly as NG9-1-1 SSPs?

  [3c] No. See our answers at 1b, 1c, and 1d. We reiterate that in order for NG911 to realize its potential, we must not repeat the configurations of the past but instead organize the NG911 networks in a logical manner, which would exclude such "unilateral PSAPs."

- Are disparate cost recovery mechanisms for originating 9-1-1 traffic and varying interconnection requirements impeding the deployment of NG9-1-1 services?

  [3d] We cannot answer that at the national level. From the point of view of Connecticut, it is not stopping the implementation of NG911 service.

- Do incumbent 9-1-1 SSPs have sufficient incentives to upgrade their technology to support NG9-1-1 absent regulatory change at the state level?

  [3e] No. While states are free to enter contracts with an SSP or SSPs, it is unclear how they can require other providers to deliver NG911 traffic to their ESINet, or to their selected SSP who would then deliver the traffic to their PSAPs, without a requirement in state law or regulation mandating such handoff.

- Should Congress encourage or require existing state regulations, laws, or tariffs to be modified to ensure that 9-1-1 governing authorities or new 9-1-1 SSPs are entitled to receive relevant routing, location, and other related 9-1-1 information at reasonable rates and terms?

  [3f] Yes. Current state laws and regulations should be modified to require the delivery of NG911 traffic with location and other relevant information under the same terms as states have determined is appropriate. In Connecticut, that means that carriers deliver this data at no cost to the taxpayers as a part of services they must offer if they are in the business of providing telephone service. We would be opposed to any federal mandate that would transfer this cost to the state.

Elimination of Outdated Federal 9-1-1 Regulations

- Are there existing Commission 9-1-1 regulations that may inhibit the development and deployment of NG9-1-1 services? Should the Commission modify or eliminate such regulations on its own authority?

  [3g] If the Commission determines that some of its existing regulations inhibit the development and deployment of NG9-1-1 services, the Commission is certainly free to engage the NPRM process to change its regulations.

- Are there any regulations of other Federal agencies that may inhibit the deployment of NG9-1-1 services? Should the Commission recommend that these agencies modify or eliminate such regulations?

  [3h] Unknown.

- Is Congressional action needed to modify or eliminate outdated federal regulation? Are there specific actions that the Commission should recommend Congress take?

  [3i] Unknown.

B. *Preemption of Inconsistent State Regulations*

- Should Congress enact legislation that expressly empowers the Commission or any other federal agency to preempt state regulations that could inhibit the development and deployment of NG9-1-1? If so, how should the scope of the Commission's or other agency's preemptive authority be defined?

  [3j] Any such legislation should be limited to ensuring the NG911 is not prevented as a result of state law or regulation, and that NG911 systems installed are standards-based and capable of interoperation with NG911 systems across state boundaries.

- Should Congress enact legislation that expressly preempts state regulation that could inhibit the development and deployment of NG9-1-1? If so, how should the scope of statutory preemption be defined?

  [3k] Any such legislation should be limited to ensuring the NG911 is not prevented as a result of state law or regulation, and that NG911 systems installed are standards-based and capable of interoperation with NG911 systems across state boundaries.